

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

MEYNARD DESIGNS, INC. AND EARTH,
INC.

Plaintiffs and
Counterclaim-Defendants,

v.

EARTH PRODUCTS INC.

Defendant and
Counterclaim-Plaintiff.

EARTH PRODUCTS INC.

Third-Party Plaintiff and
Counterclaim-Defendant,

v.

PLANET, INC.

Third-Party Defendant and
Counterclaim-Plaintiff.

CIVIL ACTION NO. 05 cv 11781 NMG

**ASSENTED TO MOTION TO IMPOUND DEFENDANT EARTH PRODUCTS
INC.'S REPLY IN SUPPORT OF ITS MOTION FOR LEAVE TO FILE FIRST
AMENDED ANSWER, AFFIRMATIVE DEFENSES AND COUNTERCLAIMS**

Pursuant to District of Massachusetts Local Rule 7.2 and Section 8 of the parties' Stipulated Protective Order (Dkt. No. 30), Defendant Earth Products Inc. ("Earth Products") moves this Honorable Court for an Order impounding and sealing Defendant Earth Products Inc.'s Reply in Support of its Motion for Leave to File First Amended Answer, Affirmative Defenses and Counterclaims. The materials to be impounded are not voluminous, comprising 14 pages.

This motion is necessitated by the fact that Plaintiffs designated materials quoted and/or discussed in Earth Products Inc.'s Reply in Support of its Motion for Leave to File First Amended Answer, Affirmative Defenses and Counterclaims as confidential under the Stipulated Protective Order and, despite Earth Products' request, did not agree to de-designate such materials. Accordingly, Earth Products requests an order authorizing its Reply in Support of its Motion for Leave to File First Amended Answer, Affirmative Defenses and Counterclaims to be filed under seal and impounded.

The Clerk should impound these materials as described in Section 8 of the Stipulated Protective Order (Dkt. No. 30), *i.e.*, until 30 days after the conclusion of this case in this District Court.

Pursuant to Section 8 of the Stipulated Protective Order, Plaintiffs Meynard Designs, Inc. and Earth, Inc., and Third-Party Defendant Planet, Inc. (collectively, "Plaintiffs") have assented to this motion.

Dated: November 13, 2007

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CERTIFICATE OF SERVICE

I certify that this ASSENTED TO MOTION TO IMPOUND EARTH PRODUCTS INC.'S
REPLY IN SUPPORT OF ITS MOTION FOR LEAVE TO FILE FIRST AMENDED
ANSWER, AFFIRMATIVE DEFENSES AND COUNTERCLAIMS AND DESIGNATED
UNDER THE PARTIES' STIPULATED PROTECTIVE ORDER is being filed through the
Court's electronic filing system, which serves counsel for other parties who are registered
participants as identified on the Notice of Electronic Filing (NEF).

Counsel for other parties are also being served by electronic mail on the date of electronic
filing.

Dated: November 13, 2007

By: /s/ Derrick W. Toddy

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